

APPENDIX B

APPENDIX B: Co-Conspirator Statements (Testimony)

Hiroyuki Imai

Hiroyuki Imai, an ELNA executive, will testify as to acts taken in furtherance of the conspiracy, including acts taken at meetings with ELNA, Chemi-Con, Nichicon, Sanyo, Nitsuko, Rubycon. These companies were horizontal competitors of ELNA. Imai admitted that ELNA engaged in price fixing and that the conspiracy was worldwide in scope. Imai will testify regarding other acts in furtherance of the conspiracy, including participating in regularly scheduled meetings, sometimes referred to as MK Meetings or Joint Meetings with representatives of Chemi-Con, Matsuo, Rubycon, NEC Tokin and Holy Stone. These companies are horizontal competitors of ELNA. At those meetings, ELNA and other co-conspirators exchanged information, including prices and pricing intentions n regarding specific products and customers, including those in the United States. Imai will testify as to acts in furtherance of the conspiracy including acts to schedule, organize and perpetuate the conspiracy through regularly scheduled meetings with competitors. Imai also testified as to specific instances of illicit information exchanges, including those in which he was personally involved.

Imai will testify as to his participation in acts in furtherance of the conspiracy until its apparent ending, when he attended the last MK meeting which took place in January 2014. Imai will also testify that conspirators continued to meet and conspire until March 2014, two months after the last MK Meeting.

Kazuhiko Mitsuhori

Kazuhiko Mitsuhori, a Rubycon executive, will testify that he attended meetings with co-conspirators. Mitsuhori will testify as to the organization and implementation of the conspiratorial meetings throughout the time period of the conspiracy. Mitsuhori participated in acts in furtherance of the conspiracy from 2002 to 2011. During some regularly scheduled meetings, sometimes referred to as ECC Meetings, Mitsuhori met with representatives of Chemi-Con, Nichicon, Matsushita, ELNA, ROHM and Hitachi AIC. During other regularly

schedule meetings, sometimes referred to as JFC meetings, Mitsuhori met with representatives of Shinyei, Matsuo, Nissei, Okaya, Taitsu, Matsushita, and Toshin Kogyo. Each of the companies were horizontal competitors of Rubycon. During other regularly scheduled meetings, sometimes referred to as ATC meetings, Mitsuhori met with representatives of with the addition of Chemi-Con, Nichicon, Matsushita, ELNA, ROHM and Hitachi AIC. Fujitsu, Matsuo and NEC Tokin. During other regularly schedule meetings, sometimes referred to as MK meetings, Mitsushori met with representatives of Sanyo, Chemi-Con, Hitachi, Fujitsu, NEC Tokin, Rubycon, ELNA and Matsuo. All of these companies were horizontal competitors of Rubycon.

Mitsuhori will testify that at these meetings, representatives from competitors reached agreements and understanding to raise, fix the prices of aluminum, tantalum and film capacitors. He will also testify as to the implementation of these agreements and understandings both at Rubycon and by competitor companies. He will also testify that Rubycon and other co-conspirators made efforts to monitor and enforce these agreements. He will also testify as to the steps taken to organize and perpetuate the conspiratorial conduct, in particular through the regularly scheduled meetings identified above

Peter Collis

Peter Collis was a top AVX executive, in charge of global capacitor sales. Collis will testify regarding acts taken in furtherance of the conspiracy, including communications he had with competitors with respect to global and United States customers such as Bosch, Continental, Nokia, Future, Rutronik and Selectron. AVX capacitors were billed to or shipped to customers in the United States or included in finished products billed to or shipped to customers in the United States. Overt acts in furtherance of the conspiracy occurred in the United States, Japan, Europe and other parts of the world. Collis met and conspired with representatives of KEMET, NEC TOKIN, Rubycon, Panasonic and SANYO. Collis also received information from other AVX employees acting in furtherance of the conspiracy who gave and received confidential nonpublic information obtained from competitors including information regarding prices and future price

intentions. Collis will testify as to acts taken to implement and effectuate the conspiracy such as communicating with competitors to rig and coordinate bids to customers in the United States such as Nokia or Sony.

Shinobu Ishigami

Shinobu Ishigami, a Taitsu executive, will testify as to acts taken in furtherance of the conspiracy, including meetings with representatives of Panasonic, Okaya, Shinyei, Soshin, Toshin Kogyo, Nissei, Nitsuko, NCC, Hitachi, Rubycon and Taitsu. Each of the companies were horizontal competitors of Taitsu. Ishigami will testify that he attended regularly scheduled meetings from 2005 to 2014 where the conspirators exchanged confidential information, including information on future prices and price intentions with respect to particular customers, particular types of customers, including the United States. Ishigami also met in oneon-one private meetings apart from the group meetings, and at bars, coffee shops and on the golf course, with executives of Hitachi, Nissei, Nitsuko, Shinyei, Soshin or Toshin Kogyo where he and those executives exchanged confidential information including information on future prices and price intentions.

Ishigami will also testify as to steps he took to conceal the conspiracy. Ishigami intentionally altered and fabricated records of the efforts taken to conceal the conspiracy included the deletion of the names of individual meeting participants, and the deletion of participant companies as well as deletions of discussions about price Ishigami had with co-conspirators.